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Cc: Kemper, Ryan Russell[RKemper@thompsoncoburn.com]; Kellmeyer, Joseph[JKELLMEYER@thompsoncoburn.com]
From: Kellmeyer, Joseph
Sent: Fri 2/10/2017 5:40:16 PM
Subject: Appeal
[appeal.pdf](#)
[email.pdf](#)

Bob and Eric –

As you know, Veolia intends to file an appeal to the EAB next week (on Monday) concerning the Title V permit which was issued last month. In the past, Veolia has expressed its concern about implementation of the Permit Conditions during the pendency of the Appeal process. Region 5 has expressed the view that requiring Veolia to implement such Conditions during the pendency of an appeal to the EAB and the Seventh Circuit, if necessary, was neither USEPA's intent nor was it USEPA's position that implementation of such Permit Conditions was required by the law. *See attached.*

In an abundance of caution, I intend to file a Motion to Stay with my appeal to the EAB. I would like to represent in the Motion that I contacted you and you concurred in the Motion (I would obviously run the final Motion by you for specific concurrence prior to filing). If the Motion simply requests a stay of all the Permit Conditions during the pendency of an appeal to the EAB and the Seventh Circuit, if necessary, would you concur in the Motion consistent with Region V's position in June, 2013?

If I do not hear from you, I will attach this e-mail and letter to my Motion, let the EAB know of my inquiry, and let the EAB know that I had not heard from whether you would concur on the Motion at the time of filing.

Please let me know your position on this as soon as possible. Thanks.

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